

PUBLIC INQUIRY INTO THE 2022 PUBLIC ORDER EMERGENCY

IN THE MATTER OF A PUBLIC INQUIRY

**under the Emergencies Act, RSC 1985, c 22 (4th Supp), ss 63(1)
and the Public Inquiries Act, RSC 1985, c I-11, Part I**

AFFIDAVIT OF KEVIN McHALE

Affirmed October 11, 2022

I, **KEVIN McHALE**, of the City of Ottawa, in the Province of Ontario, MAKE OATH AND SAY:

1. I am the Executive Director of the Sparks Street Business Improvement Area and Mall Authority and serve as Treasurer of the Ottawa Coalition of Business Improvement Areas (“OCOBIA”). As such, I have personal knowledge of the facts and matters hereinafter deposed to, save and except for information imparted to me by other people, in which case, I believe the source of the information to be reliable and the information to be true.
2. The Public Order Emergency Commission (“Commission”) has requested that the OCOBIA prepare an institutional report addressing information relevant to the Commission’s mandate as set out in Order in Council 2022-392.
3. With the assistance of our counsel, the OCOBIA prepared the requested institutional report dated October 7, 2022, attached hereto as Exhibit ‘A’ to this affidavit.
4. While I do not have direct knowledge of all aspects of the report, I am advised that it was prepared with information and input from my Business Improvement Area (“BIA”) colleagues and their members, reports and surveys commissioned by OCOBIA

and the Bank Street Business Improvement Area, journalistic reporting in the Ottawa Citizen and from my counsel at Champ & Associates. The Coalition therefore considers the attached report to be accurate and complete.

AFFIRMED before me by remotely in)
accordance with O. Reg 431/20 by)
videoconference between Ottawa,)
ON (commissioner) and Ottawa, ON)
(affiant) this 11th day of October,)
2022.)
)
)
)
)



A Commissioner, etc.



KEVIN McHALE

This is **Exhibit "A"** referred to
in the Affidavit of **KEVIN McHALE**,
affirmed before me this 11th day of October, 2022.

A handwritten signature in blue ink, appearing to read "E. J. Aman", written over a horizontal line.

A Commissioner, etc.

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under the *Emergencies Act*, RSC 1985, c 22 (4th Supp), ss 63(1)
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INSTITUTIONAL REPORT OF THE OTTAWA COALITION OF BUSINESS IMPROVEMENT AREAS (OCOBIA) Dated October 7, 2022 (Pursuant to Rule 51 of the Inquiry's *Rules for Procedure and Practice*)

OVERVIEW

1. Business Improvement Areas (“BIAs”) are non-profit organizations created by the *Municipal Act, 2001*, SO 2001, c 25, that allow local businesses and property owners to join together and, with the support of the municipality, organize, finance, improve and promote the local district or area as a desirable business and shopping district. In Ottawa, there are 19 BIAs.
2. The Ottawa Coalition of Business Improvement Areas (“OCOBIA”) is a non-profit corporation that acts as a unified voice for the 19 BIAs in the City of Ottawa, representing over 6,400 businesses and 120,000 employees. Eleven of the BIAs represented by the OCOBIA are located within Ottawa’s downtown core.¹ The members of these downtown BIAs represent approximately 70% of the Ottawa businesses who were impacted by Freedom Convoy protestors who occupied the

¹ OCOBIA website: <https://ocobia.org/about-ocobia/> [COA00000125]

nation's capital from January 28, 2022, to February 20, 2022 (the "Freedom Convoy").

3. In the days prior to, during, and following the Freedom Convoy, the OCOBIA heard from its constituent Business Improvement Areas ("BIAs") about concerns raised by their member businesses. These included concerns about the lack of timely and useful information regarding the Convoy disruptions from City of Ottawa officials; the absence of consultation with the BIAs by authorities; the safety and security of businesses and employees; and the lost business profits and employee wages resulting from closures and/or reduced business during the protests.

INSUFFICIENT CONSULTATION AND COMMUNICATION WITH BIAs PRIOR TO FREEDOM CONVOY

4. On January 25-26, 2022, the Ottawa Police Service ("OPS") sent out official communications to a number of community partners, including OCOBIA and its constituent BIAs, advising of a "Truck Convoy" demonstration that was expected to be coming to Ottawa for the weekend of January 29-30, 2022.²

² OPS email dated January 25, 2022 to "Community Partners"; OPS Media Release dated January 26, 2022 [COA00000095]

5. These initial OPS communications warned of potential traffic delays and congestion but contained little information about what businesses could expect in terms of the nature of this demonstration.
6. Typically, when demonstrations or protests are planned to take place in downtown Ottawa, the City and OPS consult with BIAs regarding how best to mitigate impacts on local businesses. The BIAs, the City and OPS will work together to develop and implement an appropriate plan. The BIAs are typically consulted about logistical issues such as traffic, road closures, parking, safety and security. The BIAs are then able to pass important information on to their members so that they may in turn make appropriate plans. In the case of the Freedom Convoy, this advance consultation and collaboration with the BIAs did not occur.
7. In the days leading up to the weekend of January 29-30, 2022, the BIAs had been receiving many questions from their business members that they were unable to answer. At the forefront of these concerns were questions about safety and security, with businesses expressing worry about the risk of escalation among protesters and the potential for widespread disregard for mandatory public health measures.
8. The Executive Director of the ByWard Market BIA, Kalin McCluskey, highlighted a number of these business concerns in an email to Rideau Vanier Ward

Councillor Mathieu Fleury dated January 26, 2022.³ In her email, Ms McCluskey stated that the ByWard Market BIA was seeking “support and clarity for ByWard Market member businesses” and noted that the concerns of ByWard Market businesses went “beyond traffic disruptions, but include safety and security”. She flagged that businesses were concerned about anti-mask protestors showing up and refusing to follow public health measures and that businesses were not sure whether to stay closed so as not to put staff at risk. She ended this email by requesting deployment of extra by-law and OPS officers to the ByWard Market for the duration of the demonstration.

9. On January 27, 2022, the BIAs received further correspondence from the OPS stating that “All open source information and our interactions with Freedom Rally organizers indicated that this will be a significant and extremely fluid event that could go on for a prolonged period”.⁴
10. At the request of the ByWard Market and Downtown Rideau BIAs, an urgent meeting was convened between Councillor Fleury, the OPS and representatives of a number of other affected BIAs on January 28, 2022. The BIA representatives who attended this meeting came away concerned that they did not receive any new or useful information about the Freedom Convoy’s

³ Email dated January 26, 2022 from Kalin McCluskey to Mathieu Fleury [COA00000004]

⁴ Email dated January 27, 2022 from Hamid Mousa, Mgr. Strategic Partnerships and Engagement, OPS to Ottawa BIAs [COA00000097]

intended plans or their anticipated impacts which they could share with businesses for planning purposes.

11. Also on January 28, 2022, the OPS sent out an email to community partners outlining OPS' approach to the weekend's events.⁵ In this email, the OPS stated that they had "worked diligently" with its "City, Provincial, Federal, and community partners in developing operational plans". The OPS further stated that it had "proactively deployed a Police Liaison Team and Community Police Officers (CPOs) to meet with community and business leaders to adequately understand and respond to concerns". Once again, however, the BIAs were frustrated that they had not been consulted in developing these operational plans and that the concerns they had been raising had not received an adequate response from the OPS.

INITIAL IMPACT OF FREEDOM CONVOY 2022 ON OTTAWA BUSINESSES

12. During the initial weekend of the Freedom Convoy 2022 protests (January 29-30, 2022), the BIAs were overwhelmed by messages of concern and distress from businesses in Ottawa's core.
13. The Executive Director of the Sparks Street BIA, Kevin McHale, heard stories of businesses like Tim Hortons being overloaded by "menacing" protesters. He

⁵ Email dated January 28, 2022 from OPS officer Sebastien Lemay to community partners [COA00000087]

also heard about business closures from businesses who had never had to close during protests or big events before, including during the G20.

14. The Executive Director of the Byward Market BIA, Kalin McCluskey, heard from members of equity deserving groups (women, LGBTQ and BIPOC communities) that they were closing their businesses as a precaution, since they could not guarantee the safety of their staff. Ms McCluskey also heard stories of vandalism of storefronts, businesses being forced to close due to protesters and concerns about staff getting home safely.
15. Several businesses and community organizations within Ottawa's core experienced a significant negative impact on their ability to do business and deliver services, and some were left with no choice but to close.
16. On January 29, 2022, the Cadillac Fairview Rideau Centre, the location of the largest number of private sector employees in downtown Ottawa, was forced to close after maskless protesters started confronting staff, in some cases aggressively.⁶ The Rideau Centre remained closed until February 22, 2022, resulting in lost profits for 175 businesses and lost wages for thousands of employees.⁷ A closure of this length was unprecedented in the Rideau Centre's

⁶ Ottawa Citizen, Rideau Centre closes after maskless protesters are seen confronting staff (January 29, 2022): "<https://ottawacitizen.com/news/local-news/rideau-centre-closes-after-maskless-protesters-are-seen-confronting-staff>" [COA00000124]

⁷ Ottawa Citizen, "CF Rideau Centre will remain closed as 'Freedom Convoy' protest continues in downtown Ottawa" (February 6, 2022): <https://ottawa.ctvnews.ca/cf-rideau-centre-will-remain-closed-as-freedom-convoy-protest-continues-in-downtown-ottawa-1.5770299> [COA00000122]

nearly 40 years in operation. This closure had a significant impact on Ottawa residents, as the Rideau Centre is also a necessary transit link for the downtown core and fully disrupted busses which many staff in the downtown rely upon.

17. On January 30, 2022, the Shepherds of Good Hope shelter and soup kitchen, located on King Edward Avenue, released a statement detailing the harassment that shelter residents, workers and volunteers had experienced by protesters.⁸ This statement also noted that Freedom Convoy trucks had blocked the shelter's ambulance drop-off zone, created barriers for staff and volunteers to get in to work, and made it difficult for the Salvation Army outreach van to operate in the downtown core where many of their most vulnerable clients are located.
18. On February 2, 2022, Cornerstone Housing for Women released a statement detailing the negative impact of the Freedom Convoy protest on their ability to deliver services to people experiencing homelessness at the organization's downtown emergency shelter.⁹ This statement described the barriers created by the protest for frontline staff and the trauma inflicted on the people served by the shelter:

⁸ Twitter post by Shepherds of Good Hope dated January 30, 2022:
<https://twitter.com/sghottawa/status/1487854425368633344> [COA00000115]

⁹ Twitter post by Cornerstone Housing for Women dated February 2, 2022:
<https://twitter.com/HopeCornerstone/status/1488957944133824526> [COA00000114]

Women and staff are scared to go outside of the shelter, especially women of color, being able to go outside is the only reprieve many women experiencing homelessness have and they cannot even do that.

The incessant honking and noise from the trucks have caused significant anxiety and distress for staff and shelter residents.

Women have admitted themselves into hospital due to the increased trauma from the noise and fear.¹⁰

Ottawa BIA Business Survey - Convoy Protest Impacts

19. To get a better sense of the impacts of the first weekend of the Freedom Convoy weekend on Ottawa businesses, the OCOBIA prepared and distributed a survey (the “Convoy Protest Impacts Survey”) to the 11 BIAs in Ottawa’s downtown core.¹¹ These 11 BIAs represented 2,100 businesses that were expected to have been impacted by the protests.
20. OCOBIA sent 1,073 survey questionnaires to members of the five BIAs within Ottawa’s inner core: the Bank Street BIA; the Downtown Rideau BIA; the Byward Market BIA; the Sparks Street BIA; and the Somerset Street BIA. These BIAs were all situated within the protest “Red Zone” that had been designated by the OPS.

¹⁰ Page 2 of Statement posted to Twitter by Cornerstone Housing for Women dated February 2, 2022: <https://twitter.com/HopeCornerstone/status/1488957944133824526/photo/2> [COA00000143]

¹¹OCOBIA website page (Ottawa BIA Business Survey - Convoy Protest Impacts): <https://ocobia.org/ottawa-bia-business-survey-convoy-protest-impacts/> [COA00000131]

21. Businesses were asked to indicate the following information when completing the Convoy Protest Impacts Survey :

- (a) Business Sector (for example: food services, retail, etc.);
- (b) If the business was (i) open, (ii) closed prior the event, or (iii) closed during the event due to concerns;
- (c) how the protests impacted the business financially (negatively, neutral or positively);
- (d) Is the business able to recover any lost income in the future;
- (e) Where is the business' customer base located (core, neighbourhood, further);
- (f) How were the business' staff impact by the protests (sent home, told not to come in, were not affected, were unsafe, were obstructed from coming to work); and
- (g) Was police intervention required.

22. The OCOBIA received 241 survey responses.¹²

¹²OCOBIA website page (Ottawa BIA Business Survey - Convoy Protest Impacts): <https://ocobia.org/ottawa-bia-business-survey-convoy-protest-impacts/> [COA00000131] (note that as of February 2, 2022, only 235 survey responses had been received—that number subsequently increased to 241)

23. The following statistical information was collected from the survey responses received:

- (a) the majority of respondents were retailers, restaurants, food retailers, and service-based businesses;
- (b) just over half (51.5%) of the respondents stayed open the entire protest;
- (c) 42.6% of the respondents closed due to concerns or obstruction arising during the protest;
- (d) 76.2% of respondents lost revenue directly because of the protest;
- (e) 55.3% of respondents stated that they would not be able to recover or postpone the revenues lost during the protest; and
- (f) the majority of respondents' staff were impacted by either not working, working but then being sent home, or feeling unsafe (and also sent home).¹³

24. The survey also included space for respondents to leave comments about their experience of the Freedom Convoy. A number of the comments received by the OCOBIA conveyed respondents' concerns about business losses and

¹³ OCOBIA website page (Ottawa BIA Business Survey - Convoy Protest Impacts):
<https://ocobia.org/ottawa-bia-business-survey-convoy-protest-impacts/> [COA00000131]

inconveniences, both within and just outside of the inner downtown core.¹⁴

For example:

- (a) “We had one of the worst sales days ever on the Saturday of the protests. Our customers come from all over the city and they were obviously staying away because of what was happening downtown”;
- (b) “Our medical office, which is an essential service and stayed open throughout the whole pandemic, was forced to close because of this protest, blocking access to healthcare”;
- (c) “I am astounded that bylaw officers were MIA and cars, trucks, trailers were parked for days, often illegally without a single ticket in sight while during ‘normal times’ they are constantly ticketing my regular customers who may return 5 minutes late to their meter”;
- (d) “The sounds from the protest are highly disruptive to our yoga studio and if it continues I will have to close again. I am stressed beyond endurance”;
- (e) “This has had a terrible impact on us financially. To lose a weekend of sales right now is devastating”; and
- (f) “the protest has interrupted our business completely”.

¹⁴ Responses to OCOBIA Survey of BIA Member Businesses [COA00000107]

25. A number of the comments received by the OCOBIA also highlighted respondents' concerns about the safety and security of staff and customers, and the lack of support provided by authorities. For example:
- (a) "Do not feel like police did an adequate job of warning us or preventing harassment on the streets. The continual honking was unbearable";
 - (b) "Some of our staff had to leave early on Friday to get home safety and some could not come into work for the weekend";
 - (c) "Many messages of fear from our customers, many not feeling safe enough to come pick up orders. Staff felt unsafe passing the protest, very little to no foot traffic";
 - (d) "In order to keep my staff safe, I had to hire private security";
 - (e) "One staff was mobbed by 7-8 anti-mask protesters walking in downtown. Police were called but told they can't guarantee anyone will show".
26. A very small number of respondents expressed their support for the Freedom Convoy.

BUSINESSES CONTINUE TO SUFFER AS PROTEST DRAGS ON; BIAs ATTEMPT TO ASSIST BUSINESSES

27. In a joint email dated February 1, 2022, the Bank Street BIA, ByWard Market BIA, Downtown Rideau BIA, and Sparks Street BIA voiced concerns on behalf of

businesses to City of Ottawa Mayor Jim Watson, OPS Chief Peter Sloly, City Manager Steve Kanellakos and various other City Councillors and officials.¹⁵

This email expressed that businesses were feeling left in the dark about the City's plan to deal with the business harm caused by the protest:

We have grave concern that despite the work put in to date, the growing sentiment is quickly shifting from resilience to feeling as though our city is leaving us to fend for ourselves. Increasingly on the ground, the perception is that our city is reluctant to respond as needed to reclaim our communities and daily activities.

28. On February 3, 2022, the OCOBIA sent an open letter to the Honourable Mona Fortier, Member of Parliament for Ottawa Vanier and President of the Treasury Board, and Yasir Naqvi, Member of Parliament for Ottawa Centre. In this open letter, the OCOBIA summarized the results of its Convoy Protest Impacts Survey and requesting (i) funding supports to businesses and employees affected by the protest; and (ii) federal involvement in handling the ongoing protest. A copy of this open letter was posted to the OCOBIA website.¹⁶
29. On February 4, 2022, Nathalie Carrier, Executive Director of the Vanier BIA, sent an email to City of Ottawa officials and the OPS asking to know what

¹⁵ Joint email dated February 1, 2022 from Ottawa Inner Core BIAs to Jim Watson et al. [COA00000101]

¹⁶ OCOBIA website page (OCOBIA Request: Trucker Convoy Protest in Ottawa, business support): <https://ocobia.org/ocobia-request-trucker-convoy-protest-in-ottawa-business-support/> [COA00000127]

sites traffic would be diverted to for the upcoming weekend. Ms Carrier had become particularly concerned about the diversion of Convoy trucks to their staging area at Coventry Road, without any input from or notice to the Vanier BIA. She sought to know what impact future traffic diversions might have on Vanier and other BIAs located outside the inner core of the City. The response that Ms Carrier received was minimal – no response was forthcoming from the City and the OPS simply advised that she should monitor the City’s social media for updates on traffic and road closures.

30. On February 9, 2022, Kalin McCluskey, Executive Director of the ByWard Market BIA, sent a letter to Minister Fortier, detailing some of the specific challenges faced by ByWard Market businesses amid the Freedom Convoy protests.¹⁷
31. Throughout the duration of the Freedom Convoy protests, Councillor Fleury convened daily meetings (via Zoom) with BIA representatives, City staff, representatives of the OPS, and other stakeholders. The initial stated purpose of these meetings was for the City and OPS to share important information which the BIAs could then disseminate to their members. More often than not, however, the City and OPS had nothing meaningful to share and instead the BIAs would share information they had learned from their member businesses.

¹⁷Letter dated February 9, 2022 from Kalin McCluskey, Executive Director of the ByWard Market BIA, to the Honourable Mona Fortier, Member of Parliament for Ottawa - Vanier and President of the Treasury Board [COA00000121]

To the extent that helpful operational information was shared during these meetings, it usually came from the BIAs and not the other way around.

32. The BIAs had greater success in gathering information about the protests from social media (in particular, Facebook Live and Tiktok), where the Freedom Convoy organizers and protesters would frequently broadcast their plans. The Executive Director of the Vanier BIA, Nathalie Carrier, often shared these social media posts with the OPS.¹⁸ The OPS seemed to be unaware of some of these social media posts and encouraged Ms Carrier to “Keep the intel from tiktok coming”.¹⁹
33. The BIAs also learned important information about protesters’ activities from speaking with their members. The BIA representatives would then pass information on to the City and OPS. For example:
 - (a) On February 10, 2022, Ms Carrier sent an email to the OPS passing along information that she had gathered from the local community

¹⁸ E.g.: Email from Nathalie Carrier to OPS dated February 6, 2022, sharing Facebook post by Patrick King [COA00000071]; Email from Nathalie Carrier to OPS dated February 8, 2022, sharing TikTok video where protesters were openly discussing tactics for breaking laws (from OPS officer’s reply on February 10, 2022: “Do you know if there is a way to view the tiktok’s live after the fact? If no, Cole’s notes of what was in the video?”) [COA00000118]; Email from Nathalie Carrier to OPS dated February 10, 2022, sharing TikTok video of Convoy organizers directing protesters to “jam the airport” [COA00000073]; Email from Nathalie Carrier to OPS dated February 16, 2022 sharing footage of Coventry Road encampment and various Facebook Live posts by Convoy organizers [COA00000134]

¹⁹ Email dated February 12 2022 from OPS Const. Sebastian Lemay to Nathalie Carrier [COA00000073]

associations regarding the Canadian Tire store on Coventry Road. She reported that anti-maskers had been frequenting the store and that the store had sold out of gas cans, handheld horns, and other items.²⁰

(b) On February 12, 2022, Ms Carrier sent an email to the OPS reporting that she had learned from the manager of the Canadian Tire store on Coventry Road that sales of bear spray had been alarmingly high in the last 24 hours.²¹

(c) At the daily meeting convened by Councillor Fleury on February 12, 2022, Ms Carrier raised further concerns about protester activities at the Canadian Tire store on Coventry Road. She reported that a customer had been intimidated by a maskless protester and that store staff had been directed not to enforce masking or intervene in any situation, due to safety concerns.

34. As the Freedom Convoy protests dragged on, businesses within Ottawa's core continued to be hampered in their ability to deliver services. Several essential businesses that had been operating during the protests, such as medical offices and grocery stores, were forced to close due to safety and security concerns.

²⁰ Email dated February 10, 2022 from Nathalie Carrier to the OPS [COA00000068]

²¹ Email dated February 12, 2022 from Nathalie Carrier to the OPS [COA00000051]

35. On February 12, 2022, two Centretown grocers (the Farm Boy grocery store at the intersection of Metcalfe Street and Nepean Street and the Independent grocery store at Bank Street and Somerset Street) were forced to close early after maskless protesters swarmed the stores and jeopardized the safety of their staff.²²
36. The unmitigated disruptions caused by Freedom Convoy protesters continued – such as, e.g., blockading streets, open fires, discharging fireworks, and the erection of stages, sound systems, hot tubs, enclosures, and food stations – were very frustrating for the BIAs to observe. When the BIAs host special events, they are required to have detailed plans and must arrange and pay for security, road closures, and necessary event permits. For many, the Freedom Convoy seemed to be more of a special event than a protest. The double standard applied to the Convoy protesters and the failure of authorities to enforce the normal rules left the BIAs bewildered.
37. After the federal government announced on February 14, 2022 that it would be invoking the *Emergencies Act*, the BIAs started hearing more about enforcement actions that were aimed at bringing an end to the occupation. However, the information provided to the BIAs was again lacked any detail

²² Ottawa Citizen, “Truck convoy: Protesters remove fencing from War Memorial; OPS waits for reinforcements, 26 criminal arrests lodged so far” (February 13, 2022): <https://ottawacitizen.com/news/local-news/truck-convoy-third-weekend-of-occupation-begins-with-no-sign-of-movement> [COA00000138]

about how businesses might be impacted by these increased enforcement actions and by the checkpoints that were going to be set up across the City.

38. On February 17, 2022, the OCOBIA sent an email to various City of Ottawa officials and City Councillors, asking for updated directions and messaging to share with Ottawa businesses for the coming weekend.²³ In this email, OCOBIA Executive Michelle Groulx wrote: “[t]he BIAs are seeking clear, direct information aimed at businesses so they may make informed decisions regarding operating hours and concerns for their staff this weekend”.
39. On February 18, 2022, the BIAs received a reply from Councillor Fleury.²⁴ In his email, Councillor Fleury apologized for being unable to “get a clear message to businesses from the City and authorities” despite his best efforts to obtain this information. Based on the information that Councillor Fleury had gathered himself, he advised the BIAs that it “isn’t clear for local business owners what to do for tomorrow and for the weekend”, but that he believed there was heightened risk for residents and businesses within the City’s core.

²³ Email dated February 17, 2022 from Michelle Groulx, Executive Director of the OCOBIA, to various City of Ottawa officials and City Councillors [COA00000089]

²⁴ Email dated February 18, 2022 from City Councilor Mathieu Fleury to BIAs, Rideau Centre, Ottawa Markets and Hotel Association [COA00000064]

LASTING IMPACTS ON OTTAWA BUSINESSES & LIMITED SUPPORTS MADE AVAILABLE

40. Many Ottawa businesses are still recovering from the losses experienced during the Freedom Convoy 2022 (which, of course, occurred at a time when businesses were already dealing with significant losses relating to COVID-19).

Estimated Bank Street business losses

41. Following the end of the Freedom Convoy 2022, the Bank Street BIA commissioned a real estate appraisal and consulting firm, Shore-Tanner & Associates, to prepare a report estimating the revenue losses for the Bank Street BIA's member businesses during the Freedom Convoy occupation (the "Shore-Tanner Report").²⁵
42. To carry out their study, the Shore-Tanner consultants visited every store on Bank Street (between Laurier Avenue and Highway 417) and carried out more than 150 in-person, confidential interviews with business owners and managers.
43. The Shore-Tanner Report estimates that the **combined total sales losses for businesses along Bank Street alone** during the Freedom Convoy amounted to **\$357,429.00**. The Report notes that, in addition to these sales losses, Bank Street business still had to pay rents, municipal taxes, insurance, utilities and

²⁵ Shore-Tanner & Associates, *Sales Losses Due to Protests: Bank Street Businesses* (Ottawa, Ontario) (February 22, 2022) [COA00000109]

employee salaries. Those losses were in addition to the \$357,49.00 in lost revenues.

Estimated losses for all businesses and employees in the Occupation Zone

44. On February 4, 2022 a class action (the “Ottawa Class Action”) was commenced against participants of the Freedom Convoy on behalf of Ottawa residents.²⁶ On February 17, 2022, the Ontario Superior Court of Justice granted the Plaintiff’s motion to amend the Statement of Claim by, among other things, adding additional parties. Following this amendment, the Ottawa Class Action is now being pursued on behalf of proposed representative plaintiffs for resident, business and employee classes.
45. On February 25, 2022, the representative plaintiffs in the Ottawa Class Action obtained a preliminary assessment by Deloitte LLP of the damages suffered by businesses and employees within the “Occupation Zone”²⁷ (the “Deloitte

²⁶ For background information about the Ottawa Class Action, please refer to the Commission’s Overview Report: Parallel Litigation [COM.OR.00000001]

²⁷ The borders of the Occupation Zone are outlined in the Fresh as Amended Statement of Claim at paragraphs 42-43. Pursuant to paragraph 43 of the Claim, the Occupation Zone is bounded in the following way: Wellington Street from Bay Street to Sussex Drive, Sussex Drive from Wellington Street to St. Patrick Street, St. Patrick Street from Sussex Drive to King Edward Avenue, Kind Edward Avenue from St. Patrick Street to Murray Street, Murray Street from King Edward Avenue to Beausoleil Drive, Beausoleil Drive from Murray Street to Friel Street, Friel Street from Beausoleil Drive to Laurier Avenue East, Laurier Avenue East from Friel Street to Waller Street, Waller Street from Laurier Avenue to Nicholas Street, Nicholas Street from Waller Street to Laurier Avenue, Laurier Avenue from Nicholas Street to the Queen Elizabeth Driveway, Queen Elizabeth Driveway from Laurier Avenue West to Somerset Street West, Somerset Street West from Queen Elizabeth Driveway to Bay Street, Bay Street from Somerset Street West to Lisgar Street, Lisgar Street from Bay Street to Bronson Avenue,

assessment”) from January 29, 2022 to February 20, 2022.²⁸ The Deloitte Assessment was provided in the form of an affidavit sworn by Larry Andrade, a Partner in the Financial Advisory Group at Deloitte LLP.²⁹

46. The Deloitte Assessment was prepared based on publicly available income-based Gross Domestic Product (“GDP”) information for Ottawa as a starting point for estimating losses.³⁰ The Deloitte Assessment also relied upon the publicly-available OCOBIA Convoy Protests Impact Survey and information gathered from speaking with the Executive Director of the OCOBIA.³¹
47. In the Deloitte Assessment, it is estimated that the range of losses suffered by **businesses and employees** within the Occupation Zone, as result of the Convoy protests, was between **\$150 million and \$210 million**.³²
48. The Deloitte Assessment estimates that the range of lost profits suffered by **businesses** within the Occupation Zone, as a result of the Convoy protests, was between **\$44,498,615 and \$61,316,356.00**.³³

Bronson Avenue from Lisgar Street to Sparks Street, Sparks Street from Bronson Avenue to Bay Street, Bay Street from Sparks Street to Wellington Street.

²⁸ Affidavit of Larry Andrade, sworn February 25, 2022 at para. 55 [COA00000145]

²⁹ Affidavit of Larry Andrade, sworn February 25, 2022 at para. 1 [COA00000145]

³⁰ Affidavit of Larry Andrade, sworn February 25, 2022 at paras. 29-35 [COA00000145]

³¹ Affidavit of Larry Andrade, sworn February 25, 2022 at paras. 36-50 [COA00000145]

³² Affidavit of Larry Andrade, sworn February 25, 2022 at para. 10 [COA00000145]

³³ Affidavit of Larry Andrade, sworn February 25, 2022 at paras. 61-64 [COA00000145]

49. The Deloitte Assessment estimates that the range of lost wages suffered by **employees** within the Occupation Zone, as a result of the Convoy protests, was between **\$105,677,215 and \$145,616,706**.³⁴

³⁴ Affidavit of Larry Andrade, sworn February 25, 2022 at paras. 57-60 [COA00000145]